





UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/550,306	04/14/2000	Ted Richards	6057/61524	9131	
75	90 02/27/2003				
Donald S Dowden			EXAMINER		
Cooper & Dunh 1185 Avenue of	the Americas		OUELLETTE, JONATHAN P		
New York, NY	10036		ART UNIT	PAPER NUMBER	
			3629		
			DATE MAIL ED: 02/27/2003	DATE MAIL ED: 02/27/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Applica	tion No.	Applicant(s)			
	09/550	306	RICHARDS, TED			
Office Action Summai	y Examin	er	Art Unit			
	Jonatha	n Ouellette	3629			
The MAILING DATE of this con Period for Reply	munication appears on t	he cover sheet with th	e correspondence address			
A SHORTENED STATUTORY PERIOD THE MAILING DATE OF THIS COMINE - Extensions of time may be available under the property of the mailing date of this of the period for reply specified above is less than the second of the period for reply is specified above, the maximum of the period for reply is specified above, the maximum of the period for reply within the set or extended period for any reply received by the Office later than three meanned patent term adjustment. See 37 CFR 1.70.	MUNICATION. visions of 37 CFR 1.136(a). In no s communication. hirty (30) days, a reply within the snum statutory period will apply and or reply will, by statute, cause the a conths after the mailing date of this 4(b).	event, however, may a reply be tatutory minimum of thirty (30) will expire SIX (6) MONTHS fi pplication to become ABANDC communication, even if timely to the status of the status	e timely filed  days will be considered timely.  rom the mailing date of this communication.			
1) Responsive to communication	(s) filed on <u>14 April 2000</u>					
2a)☐ This action is <b>FINAL</b> .	2b)⊠ This action	is non-final.				
3) Since this application is in con closed in accordance with the Disposition of Claims	dition for allowance exce practice under <i>Ex parte</i>	ept for formal matters, Quayle, 1935 C.D. 11	prosecution as to the merits is , 453 O.G. 213.			
4)⊠ Claim(s) <u>1-21</u> is/are pending in	the application.					
4a) Of the above claim(s)	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-21</u> is/are rejected.						
7) Claim(s) is/are objected	to.					
8) Claim(s) are subject to re	estriction and/or election	requirement.				
Application Papers		•				
9)☐ The specification is objected to b	y the Examiner.					
10) $oxtimes$ The drawing(s) filed on <u>14 April 2</u>	<u>2000</u> is/are: a)⊠ accepte	d or b) objected to by	y the Examiner.			
Applicant may not request that an	y objection to the drawing(	s) be held in abeyance.	See 37 CFR 1.85(a).			
11)☐ The proposed drawing correction	filed on is: a)	approved b) disapp	proved by the Examiner.			
If approved, corrected drawings a	re required in reply to this (	Office action.				
12)☐ The oath or declaration is object	ed to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a c	laim for foreign priority u	nder 35 U.S.C. § 119	9(a)-(d) or (f).			
a) ☐ All b) ☐ Some * c) ☐ None						
1. Certified copies of the price	ority documents have be	en received.				
2. Certified copies of the price			ation No.			
3. ☐ Copies of the certified cop	pies of the priority docum	ents have been recei	ived in this National Stage			
14) Acknowledgment is made of a cla	im for domestic priority ι	ınder 35 U.S.C. § 119	9(e) (to a provisional application).			
a) ☐ The translation of the foreig 15)☐ Acknowledgment is made of a cla	n language provisional a	pplication has been re	eceived.			
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Revious 3) Information Disclosure Statement(s) (PTO-14-			ary (PTO-413) Paper No(s) al Patent Application (PTO-152)			
S. Patent and Trademark Office TO-326 (Rev. 04-01)	Office Action Summ	ary	Part of Paper No. 4			

Application/Control Number: 09/550,306

Art Unit: 3629

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 1-21 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention (www.audiohighway.com, Screen Print, 1/16/1999) ("Audio Highway Offers Broadcast Quality Radio Over the Internet for Free, Advertising Will Fund It, Computergram International, n3224, pCGN08130014, August 13, 1997).
- The website www.audiohighway.com discloses the overall features of the claimed invention, including the use of "cookies" to track user preferences (www.audiohighway.com, Screen Print, 1/16/1999).
- 4. Computergram International discloses that the audiohighway service is funded by 3 minutes of personalized advertisements per hour of radio time downloaded ("Audio Highway Offers Broadcast Quality Radio Over the Internet for Free, Advertising Will Fund It, Computergram International, n3224, pCGN08130014, August 13, 1997).

## Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Application/Control Number: 09/550,306 Page 3

Art Unit: 3629

6. The following patents are cited to further show the state of the art with respect to target advertising over the Internet in general:

U.S. Pat. No. 5,933,811 to Angles et al.

Angels discloses an interactive communication system which presents customized electronic advertisements along with user requested information.

7. The following foreign patent is cited to show the best foreign prior art found by the examiner:

UK Pat. No. GB 2303238 A to Peters et al.

Peters discloses a Video jukebox vending machine that also dispenses products - connects to analog telephone lines to allow communication with consumer via audio, video or data allowing customer to request an item.

- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am 5:00pm.
- 9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
- 10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

Art Unit: 3629

Page 4

jo February 11, 2003

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600